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for bullets is made in the body. If four men have fired and but three bullets are found, any one of them may be innocent of the death. If each can get twenty-four con-jurors to swear innocence with him, all secure acquittal. Any who cannot find twenty-four con-jurors are guilty and owe blood. If there are as many bullets as men, then all owe blood.

For killing a woman, which is a rare thing, blood may be taken. If she is unmarried, it is taken by her father's family; usually by her brother. If married, her father's family may take blood for her within the year. After that only her husband's family has the right to do so. Blood-gelt, if any, for a woman is very small. The tribe does not punish the murderer; it is purely a family affair. The death of a woman does not weaken the tribe, for she is of another blood and can easily be replaced from without; whereas a man cannot be replaced.

If a pregnant woman be killed two bloods can be claimed. Dom Kol Ashti told me that cases have occurred even in which a grave has been opened to settle the question of blood-gelt for the unborn child, and full payment claimed if it proved to be a male.

Cases in which killing is justified and is not punishable.—1. Blood may be taken for rape and none may be taken in return.

2. If the relatives of the man who is shot succeed in taking blood at once, shoot the murderer that day, the blood is laid and no more can be taken.

3. A woman taken in adultery may be killed along with her partner by her husband or brother, and no punishment follows. But should her husband kill her and not the man, her family can take blood for her.

In none of the above cases, I believe, does the tribe punish; nor has the tribe, at any rate in some places, the power to punish a crime committed within the "shpi" (house). When I was in Shala, at the priest's house in 1908, we heard two shots fired. Someone ran in to call the priest to a man who was dying; it was too late. In a dispute about the irrigation channels in the fields, a man had killed his own first cousin. Both were inmates of one large house. The crime excited genuine horror and was loudly discussed. Public opinion seemed to think something should be done—but what? It is the clear duty of a house to take blood as atonement for blood that has been taken. But the house, having already lost a man, cannot make matters any better by taking more of its own blood. This could not be expected; nor could any outsider interfere in what was a matter for the house lord. He could not be both lord of blood and gjaksur—could not owe himself blood. It was, in fact, an example of *patria potestas*. He decided to do nothing but hold a fine funeral to show his regret for the loss; and so sure was he that he was acting correctly that he sent a boy to the priest's

Government and Law

The question as to whether a wound had really been given accidentally was, of course, a fertile source of dispute. In a land where everyone carried fire-arms there were surprisingly few accidents. 683

THEFT

Theft within the Tribe.—The procedure for trial is the same as with murder. The plaintiff appeals to the bairaktar if he has previously not been able to obtain redress by appealing to the head of the family which has robbed him. 685

A sufficient number of con-jurors must then be found before whom the accused may swear his innocence and who will swear it with him. [693]

There is a fixed number for various thefts. Eight for horse-stealing, six for cattle-, and two for sheep- or goat-stealing.

A thief found guilty has to pay twice the value of the article stolen: give two sheep for one. Half the value of the article stolen is divided between the elders who have tried the case. For anything stolen off Church land as much as ten times the value may be demanded; and in olden times I was assured that a fancy value was placed upon a stolen cock—possibly because it was held to have great power against evil spirits. If a man's only cock was stolen, it is easy to see that these might suddenly attack him when unprotected.

If the house or cattle-shed is broken into, an extra fine of about £4 has to be paid.

The number of con-jurors depends on the value of the stolen article, and may be as many as ten.

Theft from another Tribe.—As in the Highlands of Scotland of old, lifting cattle from across the border of another tribe was considered rather a sporting event than a crime. 685 721

Mountain bands who raided the environs of Scutari and carried off Turkish goods were heroes. The practice was precisely the same as that of the Chetniks of Montenegro and the Hayduks of Bosnia. This custom had been modified, and the tendency was to arrange intertribal theft by arbitration—the procedure being the same as that with theft within the tribe, except that heads of both tribes took part in them.

This was usual in Maltsia e Madhe. But in the Dukagini tribes, especially the distant ones, much cattle- and horse-theft went on between tribes who, owing to blood-feud, had not a "besa" (peace oath) with each other. When I was in Nikaj, one of the wildest of the tribes, Nikaj and Krasnichi were on the worst terms. Watch-fires twinkled at night on the Krasnichi mountains, and talk was all of horse-stealing and cattle-lifting.

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579 A quarrel broke out between Krasnichi and Shala. Shala had a besa
685 with Krasnichi, but the Krasnichi had harried some Christian villages
609 near Djakova which claimed descent from Shala. Shala therefore declared the besa ended and raided Krasnichi at night, stealing three mules. This caused complications, for Shala and Krasnichi do not border with each other. Krasnichi sent three headmen to Nikaj to accuse Nikaj of having sheltered and fed the mule-stealers on their way, and being thus party to the theft. The Nikaj men and three Krasnichi sat all day at the foot of the big wooden cross in front of the church and argued furiously—Nikaj loudly protesting ignorance and innocence of the whole affair and bidding Krasnichi to go to Shala.

Vexed with Shala for getting them into trouble thus, a day or two afterwards Nikaj went a-raiding to Shala and stole two fine horses. Shala sent delegates and complained that the theft was unfair. The horses were not Shala horses but belonged to guests—some Klimenti men who had come under besa to pasture some beasts. The horses were, therefore, under besa, too, and should not be touched. Nikaj only replied rudely: "You should not leave the horses of guests straying about." And my horse and Marko's were put at night into one of the church outbuildings to secure them from retort. The two horse-stealers, however, kindly offered to sell the horses to Shala for five hundred piastres apiece. Shala was enraged. The sitting lasted till late, and the debate was put off till to-morrow. But next day the Shala men and the horses had all disappeared in the night. The two horse-thieves came in hot indignation to the church house to ask the Franciscan's advice. They considered that in stealing their own horses back and going off with them Shala had played a dirty trick and acted most unfairly. The Franciscan, Marko, and I all shouted with laughter: "Bravo, Shala!" The two thieves were hurt. In all innocence they told of the great pains they had taken to steal the horses in the first place, and now they had been robbed. It was most unfair. Nor could the padre make them see it in another light; for to them robbery from a tribe with which there is no besa was rather a merit than a crime.

Nikaj argued that if Shala had the right to take back these horses, then Shala should restore the three mules taken from Krasnichi. A delegate came from Shala to debate this and to ask, "Are you in besa with Krasnichi? If so, we return the mules." As Nikaj was in blood with Krasnichi and only a day or two before had refused to have anything to do with the mule matter, Nikaj could not defend its proposition. Shala withdrew, leaving Nikaj furious and the poor horse-thieves much depressed.

609 Such raids, of course, easily start blood-feuds. The more civilized
579 tribes and the intelligent headmen, who were increasing in number

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and gradually reforming matters, were working towards punishing them in the same manner as theft within the tribe.

The fights between Montenegro and the Turks were usually brought about in this manner. The Montenegrins raided the Turkish borders, especially Herzegovina, till the Turks sent punitive expeditions. All sheep-stealers were considered heroes.

So far as my own experience goes I never had a thing stolen from me when among the Albanian tribes; they dealt honestly by me always.

FINES FOR OTHER MATTERS

In the case of rape the injured family may take blood; or it may compound for peace and accept about £30. The father of an illegitimate child must pay for its keep.

For killing a sheep or cattle a fine of about £2 to £3 per head.

For cutting wood in the forest of others, £2.

For stealing fruit, etc., according to value.

For putting a beast to graze on someone else's pasture, £2.

For putting beasts to graze on your own tribal pasture before the right season, £4.

(The sums given are only approximately taken at the then value of piastres.)

INHERITANCE

No land may be sold or bequeathed to a member of another tribe or any outsider.

The possessor of land can only sell it to his nearest male relative on his father's side.

Women cannot inherit land.

The house and such land as belongs to it is inherited by all a man's sons equally. As a matter of practice they continue living in it, and the eldest son is "zoti i shpis" (house-lord). I have seen a young man of twenty-eight years ordering his old uncles about in most peremptory manner. Expressing surprise at the way they obeyed, I was told: "They must—God has made him house-lord."

Failing sons, the property belongs equally to the nearest male relatives of the deceased, who usually would be his brothers. The eldest is then house-lord.

Should a man leave a wife who has had no children, she is of no account, and must leave the house and return to her father's house. Should she have a son under the age of fifteen she remains to mind the house till he inherits it. Till he is fifteen a guardian takes charge of his affairs. At fifteen he is of age and can carry arms. If the widow has

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A man's house, simple or elaborate, was his own, and he could do what he would with it up to a point. But he held it on conditions laid down by the Unwritten Law. This law defined a house as 'any hut or building of one, two, or more storeys that has a hearth and emits smoke', and insisted that poor house and rich house are alike inviolable. A stranger might not enter either without first hailing the master by name. If very discreet, he would call out from some distance; if bolder or on friendly terms with the family, he might lawfully enter the yard first. If no one answered his call, he must wait there or go away. On no account might he push the door open; that would make him a housebreaker. In the old days it would have cost him the usual penalties for theft, a fine of five hundred *grosh* ('piastres') for housebreaking, plus the obligation to send the family two of every article found missing after his visit, and even more recently it caused strife that might end in shooting. It was of no use for him to plead that he knew the master was from home; he knew also that somebody must have been left in the master's place.

The law allowed a man to erect a new house anywhere on his own ground, subject to the all-important provision that it did no harm to his neighbour's house and ground. In this connexion the term 'house' comprised, not only the dwelling, but also the farmyard wall or fence, and everything that this enclosed. It followed that a new house must be kept at least the width of its eaves from the neighbour's boundary to make sure that the rain dripping from them should not damage his property. The method most commonly adopted to ensure this was to leave space enough for a man to pass on foot between the new house and the neighbour's boundary. If a man wanted plenty of elbow-room, however, he might build his house as much as two *pashë* ('fathoms') from the boundary. As his visitors were as free as members of his family to use the empty space, a sizeable road was soon trodden out. Sometimes, too, a man who looked into the future left room for a road that was still non-existent but might one day be wanted by the community, in which contingency his house would otherwise have had to be pulled down and rebuilt elsewhere.

There were also a number of minor rules to be remembered in building. According to the law in Fulqet, if several men had contiguous land, they must build their houses as near as possible to the point at which their land met. Otherwise their several dogs

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would not recognize them and when A came to till his field, B's dog would treat him as an intruder and bite him, and he would have no legal claim to compensation for the injury. It is not known if this law obtained elsewhere, but the common sense on which it is based makes it probable that it did. Again, in the Moslem villages near enough to Elbasan to conform to the rigidity with which Moslem townsmen secluded their women, it was not permitted to make windows in a wall overlooking a neighbour's farmyard; the latter's womenfolk must be free to move about their yard unwatched. This ban on windows—which was Moslem, not Albanian—hardly extended to remoter Moslem villages, as women there enjoyed almost as much liberty as did their Christian ancestresses.

A man's ownership of his house and land was so absolute that he and his might emigrate temporarily or for good without losing their title to either house or land. Even if the family absented itself for a hundred years, no one might squat on its property. If the emigrant, before leaving, sold his land 'together with all that is on it', and one leaving for good usually did so, the piece constituting the site of the house remained his in spite of the terms of sale, and so long as one stone stood on another, no one might use the site. In Mirditë, however, a fixed term was set to this law; if the emigrant did not return within ten years, his house might be occupied by whosoever wanted it.

Every dwelling that emitted smoke might have one or more of the following accessories—yard, vegetable garden, field, road, boundary and, in suitable latitudes, vineyard. Of these the boundary and road were the most indispensable.[1] Every owner of a dwelling that emitted smoke had a right to graze his animals on the summer and winter pasturage owned by his village and to cut firewood and timber for his own use in the public coppices and forests. If he cared to build a bothy for his shepherds on a summer pasture or to break in ground for a field or vegetable garden on a common near his village, he was welcome to do so. He must first secure the consent of the elders of the village, who generally put the common weal before individual convenience. Their permission given, no one could stop his tilling the ground, nor turn him out. Theoretically every dwelling that emitted smoke should also have a portion of irrigation water, but the right to sell water often made this provision a dead letter.

[1] See Chapters VIII and IX.

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worked, and must forfeit the rest. To us the pound or two involved seems too insignificant to matter to either, but to most Albanians it was an important sum. In the event, for example, of the master's moving from one district to another, he might not dismiss the servant unless he gave him a full year's wages. If, however, he asked the servant to go with him and the servant refused, he must let him go but need give him no more than what he had so far earned. In the same spirit the law forbade the master to dismiss the servant for a frivolous reason, such as not liking him, and forbade the servant to run away for a frivolous reason, such as boredom. If the master disregarded this law, he must pay the servant a full year's wages, and if the servant disregarded it, he must be content with the wages he had earned to date. By exception, in Krasniqë, in north-east Albania, the master sought out his runaway servant, and after making him find a man to guarantee his future behaviour, brought him back to stay out his time.

If the master had good grounds for dismissing the servant, he must warn and forgive him twice. If the warnings went unheeded, the master said the elders must now judge between them. The servant then went and told his story to the chief elder—the bajraktar in tribal areas—who next asked the master what he had to say. Thus in possession of both sides of the story, the elders sat on the case and pronounced judgement; this turned generally on what money was to be paid to the servant.

If the servant were lazy, an all too common occurrence, or otherwise unsatisfactory, without being criminal, the Unwritten Law allowed his master to reprimand him reasonably and bade the servant swallow the reprimand. But the master must not use foul language or hit the man. For his motive might be to force him to leave before his time, apparently of his own volition, and so deprive himself of his full wages. If the master transgressed this law, the servant had leave to appeal to the elders, not only for payment of his wages in full, but also for compensation for the injury of being hit or violently abused.

The more serious crimes with which a servant might be charged included theft, murder and seducing a girl or young wife in his master's family. In the case of theft the issue depended largely on whether the servant stole from his master, in his master's village, or in another community. If he were caught red-handed robbing his master or subsequently admitted doing so, he was immediately

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dismissed with only the wages due until then. Since it was in a sense his own house and his own father that he had robbed, he could not be given a second chance; he was too obviously devoid of ordinary decency to be trusted again. And since the law forbade his master to strike him, he could not be beaten as a thievish woman might be, till he reformed.

Dismissal did not end his story. He had to pay the statutory fine for housebreaking and to bring his late master two of everything he had stolen. If he had no money for the fine, he had to find a surety for the amount and then go and earn it elsewhere. After European legal codes were introduced at the end of the 1920's, these unwritten laws lost much of their force, and it was rather by threatening to get the thief sent to prison that an injured master obtained restitution.

In less sophisticated days a servant who was only suspected of robbing his master could be tried by the ordeal of the oath. If this proved him innocent, his master had to pay him six *qese* ('purses') for unjustly accusing him, besides a full year's wages and clothes. If it was later found that he had perjured himself, the elders fined him twenty-four *qese*, of which half went to the church (or mosque) and half to the tribe; he had also to return to his master the six *qese* and the unearned wages and clothes which he had won from him by perjury. It sometimes transpired, however, that the informant who had disclosed his perjury had lied himself. Then the elders once more declared the servant innocent, ordered the church and tribe to return his twenty-four *qese*, and the informant to pay him a year's wages and clothes besides six *qese* for the false accusation.

If a servant stole in his master's village or another community, punishment depended on who had instigated the crime. If his master had done so, he and not the servant was in fault, and it was for him to make reparation to the victim. He must also dismiss the servant forthwith as a public nuisance; but since the man was only his tool, he must pay him a full year's wages. If, on the other hand, a servant stole on his own initiative, the fault was his and it was for him alone to make restitution. In addition, he might be legally dismissed with no more than the wages he had earned.

Much the same laws applied when a servant committed a murder. If he did so at his master's instigation, both were punished. He must be dismissed, but his master must pay him a full year's wages. The resultant blood feud was primarily his concern, but if he

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as he saw his dog about to bite, might even shoot the animal, regarding its loss as the lesser evil. Occasionally a man sought to disclaim responsibility, shouting that he was not a chain-making gypsy and only bought, and did not make, the faulty chain. The stranger would retort that he was not dog's meat. Then revolvers might be drawn and a blood feud begun. More probably the dog's owner sullenly invited the wounded man to partake of the hospitality demanded by the law.

If a house dog killed a stranger during the daytime, it was in most places as if its master had killed him and a blood feud sprang up between the two families. In Dibër, however, the payment of full blood money generally satisfied the bereaved family.

During the night the law was entirely on the side of the house dog and its master. No matter how the animal might threaten a stranger he might not kill it. If he did so, he must pay blood money or have a feud with its master, exactly as if it was the latter he had killed. The Kanùn says clearly that 'at night a dog is equivalent to a man'. Indeed, in some places such as Çermenikë the animal was thought more important and its murder by night was more serious. If a house dog succeeded in biting a stranger at night, the latter got nothing from its master—neither hospitality and doctor's fees nor indemnity for wages lost. From his neighbours he got mockery—'Fancy letting yourself be bitten by a dog. You're a fine man.' Even if a house dog killed a stranger at night there was no compensation, the death went unavenged. Once upon a time, in Lurë, a daughter-in-law of Demir Lleshi went out at night into her own farmyard. A neighbour's dog sprang on her and killed her, but since it was night time, the dog's time, her blood was lost. It was immaterial that the dog was trespassing and that she was on her own ground.

There was only one exception to these rules. If a house stood near a main road an aggressive dog might be killed during the night without penalty. A higher law stated that 'it is not right to cut a main road with a dog'. In the far north bajraktars and elders had been known to order fierce dogs near a main road to be kept chained at night as well as during the day.

The blood money which was payable on killing a house dog at night was generally the same as would be payable if a man had been killed. The blood money for a bitch was the same as for a dog; there was no discrimination between the sexes as there was in the

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case of murdered man and murdered woman. In some areas, such as Kurbin, the blood money for a house dog was assessed by the elders or government authorities.

A stranger who agreed in his simplicity to pay the owner what he demanded for his dead dog might find himself presented with a fine bill. The owner would say that the dog had saved his life on several occasions and was consequently worth six, ten or even twenty napoleons. Sometimes the owner asked the stranger, not for blood money, but for another dog of the same quality as the dead animal. The cost might exceed the conventional amount of blood money.

In the above cases a house dog had been killed in self-defence. When it was killed out of spite matters were much more serious. 'He who kills a house dog will steal your wife', says the Kanùn. Such killings usually took place at night because the aggressor would find it dangerous to approach the house in daylight. This aggravated the crime since the night was the dog's own time.

In Mirditë, Kurbin and Martanesh a man who killed a dog 'in its kennel', i.e. on its own ground and therefore spitefully, must pay its master 500 grosh, almost a fortune in these poverty-stricken areas. In north Albania his life was forfeit. When he had been killed by the dog's master, his relatives killed one of the latter's family, arguing that they could not permit their relative to be equated to a dog. In most cases the two parties being 'one for one' the dog's master then consented to make peace on condition of receiving blood money for the dead animal. He might stipulate, if he wished, that this should take the form of an ox or a horse and so cost more than the conventional blood money. Occasionally the feud was continued—it is on record that twelve men in the north once died for the sake of one dog. In any region a man who immediately pardoned the killer of his dog would be taunted as a weakling. In Lumë the man who was suspected of having killed a house dog found dead, a crime as costly as killing a man, could not clear himself unless he persuaded twenty-four elders to take oath with him.

The legal discrimination between defensive and spiteful killing made it important for a man who killed a dog during the daytime to establish his motive. He could do so simply and surely. If his bullet had struck the dog in the forehead or chest it was evident that the animal was charging him and he had fired in fear. If, on the

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other hand, he had shot the dog in the back he must have killed it out of spite.

Whereas house dogs remained at home and were chained up for half their lives, sheep dogs were normally free both day and night and divided their time between the mountain-side and the sheep-fold. Their function was to protect the flock from thieves and wolves. If these approached, they must bark a timely warning so as to bring the shepherds with their rifles and they must themselves attack the marauders. They must therefore be alert, courageous and fierce, true 'Molossian hounds'. In districts infested by wolves they wore iron collars set with iron spikes to prevent the wolf from tearing open their throat. In common with other sheep dogs in the Near and Middle East they did not handle the flock. That was led, or occasionally driven, by the shepherd unaided.

As fierceness was their most important asset, sheep dogs were given the same harsh upbringing as house dogs. Indeed, they were generally removed at a still earlier age from their mother so that they should not know even her caresses for long. But they were gentle enough with their flocks, from which they never parted. As puppies they were fed on ewe's or goat's milk—hence, said the peasants of Shpat, their later friendliness with the animals they guarded. In adult life they were fed on maize bread roughly baked in indigestible looking balls by the shepherds. Nevertheless, their strength and the sleekness of their coats showed that the diet was sufficient.

The law of the sheep dog varied from place to place according to the animal's position in the local economy. In the north, where men depended almost entirely on their flocks, the sheep dog was of paramount importance as the guardian of its master's whole livelihood and was protected by the law to the utmost. In areas such as Kurbin, where men combined agriculture with sheep-breeding, the sheep dog was of less importance to its master and some relaxation appears in the law. In fertile areas like Lumë or Krasniqë, where agriculture predominated, the sheep dog was still less important and the law less drastic. So in the north it was more serious to kill a sheep dog than a house dog and elsewhere the position was reversed.

Among the mountains of the north the law of the sheep dog was the same by day and by night. A passer-by might be bitten at any hour of the day or night, but if he killed the dog he would be killed

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by its master. No excuse for his crime could be tolerated. He might have lost his way or be a stranger (and so a guest to be protected). No matter! The mountain was the dog's ground day and night. Why had he gone near the sheep? Was it to steal one? There was no road through the flock. He should have stuck to the highway which was inalienably his, day and night. If he were killed by the dog, his family had no right to claim blood money or to start a feud; his 'blood was lost'. In Dibër the same harsh laws prevailed. In the partly pastoral, partly agricultural area of Kurbin a man who killed a sheep dog generally escaped with the payment of blood money; his life was not necessarily forfeit. In Martanesh, where the economy was similar, a man who killed a sheep dog in terror of his life and proved his motive was fined 100 grosh, the amount payable for a house dog in the same circumstances.

In the adjacent Çermenikë he was not even fined. In fertile Lumë the law was that 'a man can't lose his life for a dog', and on that theory a traveller on the mountain might kill a sheep dog which had refused to let him pass. For penalty he needed only to go to the dog's master and beg his pardon. He was generally afraid to go alone—the dog's master might suspect that he had killed the dog from spite and might be in an evil temper as a result. So he generally asked others to accompany him. These confessed his crime and asked for pardon. It was never refused. If he had killed a house dog during the daytime in this district, he would have had to pay blood money as for a murdered man, or would have been killed. On the rich plateau of Krasniqë sheep-rearing is relatively so unimportant that sheep dogs come under the same rules as house dogs. If, for instance, one bites a stranger on the mountain its master must pay for the wound.

Even in the gentler areas the spiteful or senseless killing of a sheep dog may start a blood feud. An extreme case occurred 'long ago' in Lumë. The sheep belonging to the Onuzi sept were sleeping in a mountain fold near the fold of the Doçi sept. The dogs began to fight among themselves and the Doçi shepherd killed an Onuzi dog. The Onuzi shepherd drew his revolver and shot the Doçi man dead. A general fight then started among the shepherds and in a few minutes six Onuzi and twelve Doçi men lay dead for the sake of a dog. The feud raged on for years, not ceasing until it was at last composed by direct order of the reigning Sultan.

Successive generations of travellers evolved practical expedients

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for dealing with sheep dogs. The first was to 'let sleeping dogs lie'. If a traveller were so unfortunate as to find one in his path and there was no shepherd in sight to call it in, he swerved aside, keeping well to leeward in the hope that neither sound nor scent of his presence would reach the dog. If a dog charged, the traveller might follow the example of Ulysses on his return home and sit down. The dog would probably sit down too and immobilize him until the shepherd's arrival, but it was not likely to charge again. This expedient was more favoured in central than in northern Albania. There the traveller preferred to climb a tree in the hope that the flock would soon pass, so releasing him. The dog was not really interested in him and went on with the flock. It has happened when, a flock was large and grazing, that a man has had to stay half a day up a tree, with several dogs barking under his feet; for it was customary in north Albania to leave a grazing flock in sole charge of the sheep dog for many hours. For that reason, as soon as a traveller heard sheep bells—and in that country of long narrow valleys enclosed by lofty mountains he might hear them half an hour away—he called out. If no answering shout came, he knew that there was no shepherd with the flock and laid his plans accordingly. As far south as Shpat fear of a sheep dog might send a traveller up a tree, but there rescue came swiftly because shepherds were forbidden to leave their flocks for long. Tracks in Shpat were too many and travellers too numerous to allow of lengthy hold-ups by sheep dogs. With the same motive of protecting travellers, shepherds in the few treeless areas of north Albania were required to remain with their flocks.

If, however, a flock was grazing near a main road, the sheep dog came under the law already enunciated that 'it is not right to cut a main road with a dog'. Day and night, when near such a road, the sheep dog must be kept under control by means of the shepherd's voice or a chain, preferably the latter as being surer. A traveller who found a sheep dog loose on such a road and received no answer to his call from the shepherd was entitled to kill the dog and did not have to compensate its master.

Shooting dogs had the run of the house and kitchen as well as the farmyard and were never tied up. Born gentle, they were well enough treated by their masters to remain so throughout their lives. They were not found in every house but only with the leisured or the lazy.

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231 683 A stranger who was bitten by a shooting dog could neither kill it nor claim compensation for his wound. Indeed, he became a public butt for being feckless enough to let himself be bitten by so tame an animal.

231 685 If a stranger killed a shooting dog by mischance, he must compensate the master in money—two napoleons were thought adequate in most places. Alternatively, he must give him another dog as good as the one he had killed. The hour of the crime was immaterial.

224 628 If a shooting dog was killed from motives of spite, a feud followed as in the case of house and sheep dogs.

If a shooting dog put up a hare, only its master had the right to take the hare. It might be that the chase was long and that the hare was shot by a stranger before the dog's master caught it up. In that case the latter demanded the hare and offered the stranger a fresh cartridge in return for the one he had just expended. If the offer was refused a blood feud started, the first shot being fired by the stranger.

If two men went shooting with only one dog, they skinned the hares at the end of the day and divided them equally.

231 Pet dogs, like shooting dogs, were free of the house as well as the farmyard and ran loose day and night. Of indeterminate pedigree, they were about the size of small Aberdeens. They were not common in northern Albania, where their only purpose was to divert their master—it was thought great fun to hang a lighted cigarette round their necks. In central Albania where the average flock was small and always had a shepherd, they were much prized as watchdogs. They never failed at either house or sheepfold to bark warningly when unwelcome visitors approached. They were so brave that at sheepfolds they could dash out and tackle a marauding wolf, invariably losing their life in the unequal combat. On account of their usefulness their value was high, as much as six or seven napoleons.

The law when they killed (a virtually impossible contingency) or were killed was the same as it was for shooting dogs.

231 793 A few isolated rules remain to be mentioned. Clerics such as priests among Catholics or Orthodox or hoxhas and sheikhs among Mohammedans were forbidden to keep house dogs. Their houses must be open day and night to their parishioners or passing strangers and might not be closed by dogs. If they kept sheep dogs

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they must not bring them home, but must leave them at the more or less distant sheepfold. There was no ban on their keeping shooting and pet dogs.

If a house dog disappeared temporarily during the mating season so that its master could not find it at dawn to tie it up for the day, he remained responsible for its conduct. It was held that a house dog loose under such conditions during the daytime was like one that had been duly tied up but had broken loose. Happily for its master and for strangers, a dog was generally too much occupied at such seasons with its own affairs to trouble about strangers.

If any type of dog fell into a snare set by a neighbour near its master's house, the neighbour must pay its full value. He had no doubt obtained its master's consent before he set the snare, but that did not relieve him of his liability for ensuing casualties.

Damage done by dogs must be paid for in money or by the dog's death. Each case was handled with a good deal of ceremony. If a dog ate a neighbour's eggs or killed his fowls, the latter asked its master to tie it up. If he refused, the neighbour had the right to kill the dog, and its master could not exact compensation. The neighbour generally took an oath in public that the dog had developed a habit of eating his eggs or killing his fowls, and that he had asked its master to tie it up and had been told to kill it. If he killed the dog without warning, he must in most places pay its value as assessed by the local elders. But in that case its master must first take oath that it had never eaten eggs or killed fowls. If the dog was commonly considered valuable, the neighbour would probably warn its master twice before he killed it. In Çermenikë and Martanesh the law was sterner; a delinquent dog had always to be killed, but if this were done without its master's leave, a blood feud started. In such cases the culprit was generally a house dog.

In cases of sheep-worrying the culprit was invariably a sheep dog. The general verdict was that the animal must die, but there was some variation in local methods of reaching this verdict. In north Albania and in Yugoslav Kosovë the dog's master must indemnify the sheep owner for every sheep worried and must take oath that the dog acted of its own impulse and had not been specially trained to kill sheep; any proof that it had been so trained would immediately cause him to be killed by the sheep owner. He must also kill the dog or keep it chained up in perpetuity. If the

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231 685 sheep owner found it loose again he would kill it without more ado or, less probably, he would start a feud with its master. A sheep owner of Koplik who complained about another's dog must be able to say that he could produce two witnesses. This might cause the dog's master to pay up at once for the dead sheep. On the other hand, he might say that the witnesses, being friends of the sheep owner, were not to be believed, and that the only evidence he could accept was a public oath by the sheep owner. If the latter took the oath the dog's master must pay him the value of two sheep for every one killed. He was left to decide whether he would kill his dog or keep it chained up. In the latter event the evil soon worked its own cure. The dog would worry sheep whenever it could escape from its chain and he, tiring of paying for its ravages, would shoot it. The sheep owner does not seem to have had the right to kill it. In Mirditë a sheep dog might be shot by the sheep owner for worrying sheep, but not unless caught 'Flesh in mouth'. In Martanesh, too, this was the rule. In neither place was any compensation due to the dog's master.

If a dog harried a drove of pregnant animals, causing some to abort their young in their terror, it might be killed by the shepherd. Its blood was then equated to that of the aborted animals. If it evaded the shepherd, its master must pay in full for each abortion; he was 'keeping a tame wolf'. If a dog killed a foal or calf, whether playfully or not, its master must pay the accepted value of the dead animal.

With mad dogs the rule all over Albania was 'Kill if you can, and the sooner the better'. The owners neither expected nor received compensation. Many of them broadcast the news that their dog was mad and asked for it to be killed as speedily as possible.

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road two loaded donkeys might meet and pass, but two loaded horses could not. When these met, one or the other had to step aside from the road, turning back, if need be to find a suitable place in which to do so. This was almost invariably of nature's making; there were no artificial passing places as on narrow motor roads in England.

Load generally determined priority of passage. To use Albanian phraseology, when a riding-saddle met a riding-saddle on a horse-track the one with no saddle-bags or other load besides the rider had to turn back. The riding-saddle had to make way for the loaded pack-saddle, but had priority over an empty one. When two pack-saddles met, the one loaded and the other empty, the latter had to make way for the former. When they were both loaded or both empty, the one which was nearer a possible place at which to step off the road had to turn back. The same rules applied to carts. In the rare cases where there was plenty of room for two loaded horses or carts, there was no 'Keep right' or 'Keep left'; they could pass on whichever side they wished.

The rules about priority were apt to be honoured in the breach rather than the observance. A man who was turned back on his road felt, even if priority was not his, as much disgraced as if his gun had been taken from him. His honour was lost, and could not be redeemed unless he killed his rival. There have been many deaths for the sake of precedence. The men of Godolesh, who were satisfied when the offender was fined by the elders, were condemned by their neighbours as soft and citified. But even in Godolesh there was no more fertile cause of murder than disputes about who should have the right of way. The trouble arose because priority rules were often confused, especially on purpose by strong wilful men, with the general law of road ownership. As enunciated by Father Gjeçov, this law said that a village street or a public highway was nobody's individual perquisite, but belonged to one man as much as to another. Hence, the living and the dead—traveller and live-stock, bride and corpse—had an absolute right to use either, and no man, even if the road passed close to the door of his house, could deny this right.

A road was free to all. It was for breaking this general law that highway robbery was punished so much more severely than other forms of theft, and that a traveller who killed a dangerous dog on a highway did not have to compensate its owner.

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685 A man could not, without the elders' consent, close an old road
49 that, having been used by his fellow-travellers, bridal parties and
494 funeral processions, was public property. If he did, it was reopened
423 by the elders, sometimes by force. He was often fined too. If he had ploughed it up, so that its line was uncertain, they sought out an old trustworthy man and made him show them under oath and in the presence of witnesses where it had been. Then the offender was ordered to open it again, removing any fence he had erected and, by way of penalty, to give a meal and small fee to the old man and the witnesses. If he shut it up once more he was liable to be shot.

491 As always, there were exceptions to the general rule. Owing to
494 the marshy nature of the land most of the fields near the mouth of
423 the river Mat were enclosed by hedges of living willow and
[487] communicated with each other by stiles, not gates. If the public, having formed a shorter route, no longer used a certain field-path, the owner of the field could close the path and the stiles at either end without any compulsion to reopen them; the public had the shorter road and one was enough. If a man bought a field which had a road round it and a right-of-way through it, he had the right to close the latter and to make the public go by the road; only if a long detour was involved could he be forced to leave the right-of-way open. On the other hand, if his new-bought field was bordered not by a road but by another field, he could not block the right-of-way unless he made a new road entirely within his own boundaries. This was substantially the law which governed changes of road all over north Albania. In Lumë a distinction was drawn between permanent roads which had to remain open all the year round and winter roads which could be closed in summer. The first were known as 'roads with a boundary'; the most important led to the high pastures on Mount Gjalicë. Winter roads generally went through fields and were closed to men and animals from seed-time to harvest; as soon as the crop was in, the roads were opened to traffic. If somebody had great need to use one during the season, he might take what he could carry and go along the very edge of the sown land, taking pains not to damage the growing crop. He could not make a habit of this or take his horse and must not forget to ask leave from the owner of the land. Again, a few roads to the Alpine pastures passed through wheat fields on their way. As a necessary link with the high pastures they could not be completely closed even when the fields were under crop. An ingenious

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might mean his going a long way round in future, the third owner could not oppose their wish. Again the land on both sides of an alley which three families used might belong to a fourth man. If he persuaded or bribed two of the three to let him plough it up, the third man had to acquiesce. A third type of blind alley began and ended in a single field.

All types of alley were private property reserved for the sole use of their owner, joint or single, and his family and lawful visitors. If he found anyone else on it he could turn him back as an intruder, and if he refused to comply could shoot him. This was irrespective of whether he did damage or not. An honest man would not trespass. Consequently, a trespasser's intentions were felonious. In Labinot a 'foreigner' from another village was licensed to use the blind alley once. He might be unaware that he was trespassing. In Zerqan, too, if he did not trespass more than once most owners said nothing to avoid disgracing themselves. A foreigner has his rights. In truculent Lumë no allowance was made for ignorance. About 1900 three men lost their lives because a stranger from the town of Prizren rode by pure mischance along a blind alley in a field in the village of Stiqan and resisted the owner's attempt to turn him back. In all districts a fellow-villager who trespassed could not plead ignorance as a stranger could; consequently his fault was graver. Even so he was not shot in Zerqan till other measures had been tried and failed. First the owner asked him not to use the blind alley again. If he persisted the owner complained to the village and the village forbade the man to go by the path. If he still persisted the village fined him. If he still persisted the owner shot him. Such was the theory, but in practice a strong man skipped the diplomatic stages and shot the offender at his first or second offence. Sometimes a fellow-villager who had a genuine need to use a private road, for instance, to regulate his irrigation water, might be given permission to do so. But he had to go on foot and could not take his horse.

In Godolesh, exceptionally, the question of damages affected the rules for blind alleys. Such paths traversed the market gardens on which the village still depended for most of its livelihood. Usually each belonged to several owners, any of whom might use it throughout its length, though they were forbidden to introduce animals as these might damage the fruit and vegetables. A trespasser was pardoned up to three times, then one or more owners

complained against him to the elders, and he was fined ten grosh in Turkish and two gold francs in modern times. In Turkish times a strong man often forced his way through and only a weak man, cowed by the guns levelled at him, turned back. The principle of private ownership was carried so far in this village that it extended even to a certain garden road which was not blind but had an exit as well as an entrance. This was reserved for the villagers of one ward, and forbidden to their animals, to the rest of the village and to 'foreigners', with one exception. If a girl from another ward or village had married into the privileged ward[1] her kinsmen had leave to use the forbidden path when on their way to visit her. If even one man in the ward objected, however, he had the right to veto their passage. It is not known how this unusual privilege came into being. The most obvious explanation would be that the families in the ward descended from a common male ancestor, but, in fact, the families were of very mixed descent.

In the extreme north the individual's safety on certain inter-tribal thoroughfares was ensured by what was called the 'truce of sheep and shepherd', because it mainly concerned shepherds and their flocks. Actually travellers and public messengers also enjoyed its protection. Two or more tribes, meeting in full assembly of all their bajraktars, heads, and youth, swore a solemn truce to attacks on life and property on a given route or routes within their territory, and guaranteed its observance. They prescribed the limits of the road which it covered, regulated the behaviour of persons taking advantage of it, and enunciated penalties for breaking it. Thus, a shepherd could lead his flock and graze it only within a prescribed limit. A traveller or public messenger journeying from one of the contracting tribes to another had both going and coming to keep within the points fixed. As soon as he had set foot in the foreign tribe's territory he had to go straight to the bajraktar's house and not turn aside to any other. He must not venture out alone but must always be accompanied by the bajraktar or a guide of his providing. So long as shepherd, traveller or public messenger obeyed these rules and kept to the prescribed road, he was regarded as a public guest and consequently was guaranteed public protection and, what was almost more important, public vengeance in the event of being murdered or robbed. Protection came from the knowledge of the penalties which the foreign tribe would exact for any harm done him. If he were murdered the price of his blood

[1] [in the village of Godolesh --An 2/45t]

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expression 'to take on the shoulder', which is frequently heard in speech all over the country in the sense of 'to destroy' or 'to ruin', seems to derive from this obviously very ancient method of making oath. 'If I don't act justly, may I carry this weight in this world and the next', the elder swore solemnly as, irrespective of whether he was Catholic, Orthodox or Moslem, he embarked on his delimitation. In most cases he believed that if he were unfair the earth and stone would punish him literally as he said. 'Earth will rot us all one day; we can't put it lightly on our shoulders like a stone. It's a very serious thing; we stake our soul by touching it', were some of the expressions used to explain the general fear. Some men were so frightened of the dread symbols that they would not undertake to delimit a boundary, saying, 'It's a serious business to undertake such a thing; it brings you up against God's justice'. A few others, it must be confessed, were sceptical enough in consideration of a bribe to defy the consequences of perjury and to delimit unfairly.

Boundary stones then were set up by elders in the presence of witnesses as an abiding memorial to the ownership of the land they outlined. 'A fence may rot, a boundary does not', said the proverb. 'Let ever so many be killed: a field, or mountain, a vineyard cannot be seized by force; the boundary stones say who is the lawful owner', was another aphorism. In many places it was customary, generation after generation, to 'ride the marches' once a year so that the old could show the young where the stones were and so forge the next link in the endless chain of memory. Like its British counterpart, the custom gave occasion for a public holiday. Often performed, as in Nangë, at the spring festival of 'Summer Day', all men and boys in a village went round every known boundary in it. They saw that the boundary stones were still in place and not sunk out of sight, noted their position, and cleared away thorns and other concealing overgrowth. Often, as in Nangë, they were led by gypsies banging joyously on drums.

It was thought a sin to move boundary stones, since they had been set up in such solemn circumstances by elders, the highest tribal authorities. But land-hunger was so prevalent that the sin was all too common. With the lapse of time, too, boundary stones might sink out of sight in the ground and the boundary line be obliterated. Disputes over boundaries were consequently endless. To prevent them there were various deterrents. Men of weight—

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tribal, religious or personal—fostered the belief that moving boundary stones made things specially hard for the sinner in the next world. In this world the elders punished the misdeed with a heavy fine—of varying amount in Mirditë, 30 rams and an ox in Bicaj of Lumë, 3000 grosh and 6 rams in Kastrat, and a Turkish pound and boycott in Godolesh. Everywhere the sinner was publicly disgraced even if he was not always boycotted as in Godolesh, and he had always to compensate his victim financially. He had in fact stolen land, a valuable article of property as representing a man's livelihood. Consequently his crime was punishable as a bad form of theft. In Mirditë a man who had not only moved the boundary stones but also killed his neighbour was fined 100 rams and an ox and publicly executed for his double crime.

Yet in Mirditë one very primitive method of moving a tribal boundary was permissible. If a man had no forest or other source of timber and he had desperate need of this, he might take his axe and go to a forest in a neighbouring tribe—naturally he did not penetrate very far from his own tribe's boundary. The noise his axe made as he felled and lopped a tree soon brought up the foresters. If he had presence of mind and strength of arm enough to drive his axe up to the shaft in the fallen tree, and if the foresters could not pull it out, the boundary of his tribe was advanced to the tree. This was the manner in which Gjokë Buca of Kaçinar won forest from Kushnen. The method may have been peculiar to Mirditë.

In the Malësi e Madhe a man who had a spinney might refuse to permit his neighbour who had none to cut timber to fence in his property. He might want to cut the timber himself next year. It was his own business whether he sold it or not. The other was getting food from his field; let him go and buy or beg wood elsewhere for his fence. Presumably what went for an individual tribesman went for his village or tribe.

When disputes arose, efforts were made to settle them before they ended in bloodshed. Two types of dispute were distinguished, public—as arising between tribe and tribe, village and village, ward of a village and ward of a village—and private, as arising between individual and individual.

Settlement in private disputes might be effected by the parties themselves, by elders or by the government. The first method was

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417 public memory. If only one of the two wanted a barrier, he had to
423 build it unaided and entirely on his own ground, leaving the
596 boundary stones on his neighbour's side. In this case its position relative to these stones was enough to show whose it was, but he nevertheless constructed the usual niche on his own side. He could not, however, build the wall right against the boundary stones but had to leave its width free between them and its outer base. For the law said that any rain that fell on a man's house or wall must run off on his own ground and not damage his neighbour's property. It needed no legal compulsion, of course, to make him construct the various buildings in his own yard in such a position that their drips did not damage his fence. Incidentally the 60 cm. of free space served at need for a footpath. When two brothers were embittered, each built a partition wall, naturally without a communicating door.

685 If a man wilfully damaged a tree or other property on his neighbour's land he had to answer for his crime by paying damages. If a stranger who did not know he was trespassing on another's property and was not warned off by a shout from the owner did similar damage, he, too, had to appear before the elders.
[672] But if he could prove ignorance of trespass, he had no damage to
[351] pay. To keep animals under control so that they should not stray to another's property, a wall or at least a fence round the yard was an essential concomitant of a house. This too had to be its own thickness inside its owner's boundary to guarantee that rain drips
[425] did not damage the ground next door. In the Malësi e Madhe the man building the wall could claim any timber that during building operations fell not more than half-way down on his neighbour's side. But whatever fell more than half-way or reached the ground—even the scrap of land he had left himself between the wall and the boundary—became his neighbour's. This discrimination applied to every form of wall.

351 Sometimes when one of two brothers was enclosing his yard he
596 was permitted to utilize his neighbour's wall for one side of his
417 enclosure. There was no risk of this confusing the ownership of the wall, for the neighbour, when building it, had not only put a proprietor's niche on his own side but had also left the boundary stones outside so that they fell within the new yard. A more distant relative could not utilize an existing wall, but had to build one of his own, parallel to the neighbour's and distant by the

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regulation width from the boundary. If this involved him in more expense it also saved him and his descendants from ever quarrelling about the wall. It also gave his dog room enough to run round his house at night, a not unimportant point. But even a brother could not be allowed to erect a building against his neighbour's wall. The risk from the drips of rain from it was too serious.

If one neighbour wished to fence or wall in his field he did no wrong, strictly speaking, by building the barrier along the middle of the grass-grown footpath along the boundary between fields, and so on the very boundary line. But this caused so many quarrels that in Mirditë and the Malësi e Madhe the law bade him leave the width of his barrier free between its outer base and the boundary, just as he must do when building a wall across his courtyard. In its wisdom the law was providing for the future.

Theoretically, a man could not only build his fence or wall along a boundary line, but could also ask his neighbour to make half of it. In practice, however, the neighbour might be too lazy or might say he was too poor or too ill to do his bit. In Kastrat[1] he could be fined 250 grosh and three rams for his unneighbourliness, and this possibility sometimes drove him to action. In the ingenious Malësi e Madhe the first man might in malice run up a fence parallel to the boundary but with an opening sixteen spans (3·20 metres) wide at either end. This ensured that his animals strayed through the opening on to his bad neighbour's field and ate it up. To give the neighbour no chance to make him move his fence he ran it up four spans, half the width of the horse-track, from the boundary. Most men, however, preferred to make the whole fence themselves, constructing it at least half the width of a footpath from the boundary. If two neighbours made half the fence each, but one made his half badly, this man was at fault—whether his sheep strayed into the good fencer's field or the good fencer's into his. The loss always fell on him; in the first case he had to compensate his neighbour, and in the second he had no right to be compensated for the damage done by the animals.

Sometimes a man wished to fence in a field which was bounded by a road. In Krasniqë and some other hilly districts he had to leave a strip of his land as well to allow for the fence slipping down on to the road, an ever likely possibility.

Most hedges of dead thorn were directly over the boundary line,

[1] See Appendix, Document V, § 11, p. 264.

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and if properly placed to begin with, caused no trouble. The same was true of living hedges inland. On the other hand, living hedges in the marshy areas near the mouth of the river Mat sometimes grew so tall that they damaged the neighbouring land with their shade. To prevent this, the owner had to lop overgrown trees once every three years. Failing this, his neighbour could complain to the headman; inevitably they gave him leave to cut the trees down to the root on the owner's ground, an intrusion that was in itself a punishment, and fined the owner 250–450 grosh for breaking the law about lopping.

Similar rules regulated the planting of fruit and other trees, olives being included among the former. In Mirditë a fruit tree might be planted only 5 'feet' (1 metre) from the boundary; another kind had to be at least 10 feet away. In Godolesh, a great fruit-growing area, a fruit tree could be planted on the very boundary, but in adjacent Labinot it had to be a span away. In Shkrel it could be planted anywhere on one's own ground, as it never caused trouble by itself. As with living hedges, care had to be taken that a tree did not cast harmful shade over a neighbour's land. If one did so in Shkrel the owner agreed amicably to lop it, raising no objections unless he had already quarrelled with his neighbour over something else. In Mirditë he was bound to lop the offending branches; if he failed to do so his neighbour could lop them as high as he could reach with a hook, the handle of which did not exceed $3\frac{1}{2}$ spans in length. In the mountains of Lesh the owner had to uproot the tree or to pay annual damages to his neighbour. In Godolesh the neighbour was entitled to stretch as far as he could and cut the too luxuriant branches with his short-handled axe. If a tree was doing no damage to neighbouring ground, it could not be lopped except by its owner. A man who transgressed this law in Mirditë had to pay its owner 500 grosh.

Sometimes an open drain adjoined a boundary. When it was first cut, each of the two neighbours provided half the ground required, did half the work and retained the earth excavated from his own side. Three stones, one big and two small, were left at the head to mark the boundary; the two other sets, normally placed in the middle and at the foot, were removed to make room for the water; as the drain discharged into a bigger channel, they could not possibly be left at the foot. The boundary naturally ran exactly down the middle. In most places the drain had to be cleared out

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that when next it was erected it was correctly sited, otherwise shooting began. In the Martanesh area the village headman, with two official and two unofficial assistants, was usually called in to set the fence up on the exact boundary line. If the offender moved it forward again, the elders sent word to his relatives that if he touched it again, there would be shooting. So restrained, he usually settled down.

An opening was never to be made in a fence by force or without the owner's leave. Only a foolish and 'lawless' man would do such a thing; it could only be the preliminary to using the field as a road, or to stealing something.

Fines were imposed as a deterrent. These amounted to 50 grosh in Turkish times and 100 koronë in the 1920's in the Malësi e Madhe, with 150 grosh and 3 rams in Kastrat in 1892; even if the offender closed the gap again, he had no right to make it in the first instance. If he destroyed a fence altogether in the marshes at the mouth of the Mat he was fined 250 grosh, five times the amount imposed for opening a way through it. If he did not pay the fine he was killed by the owner. As many as three lives have often been lost for one opening.

So with a wall in the marshland of the Mat. If it was holed, the owner asked the offender furiously if he was agreeable to having elders assess the damage. If the offender objected to assessment or refused payment, the owner shot him; at best he was sharply fined by the village. A breach in a fence or wall had always to be repaired by the owner.

Elsewhere manners were milder. In Martanesh there was no punishment at all for making a hole in a fence. In Perlat permission to make one was readily given either as a favour or in exchange for a passage through the other man's. In Fulqet a traveller could make one without leave if the highway was deep in mud and the only dry ground within reach was the field behind the fence. Often enough the owner of fence and field shot at him, but this was illegal; there was only one legitimate way of keeping the traveller to the muddy road. This was for the owner of field and fence to fill up the holes in the road with stones. If he took this trouble and the traveller still trespassed on his field he had full right to shoot him.

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nor produce nor an exchange for summering the flocks brought to the Crown (Kunora) by tribesmen living north of Shkodër, but welcomed them because their sheep manured the fields. Comparatively recently, Lurë gave a Selitë man leave to summer his flocks gratis on Mt Murije, which, lacking their manure, would hardly have been worth the labour of tilling. Dervish Ali of Fulqet too was glad to let hundreds of sheep graze free in his meadows on Mt Dragû. Surroj and Arrn pastured sheep belonging to the Hereditary Captain of Mirditë without payment, because they also had so little arable land.

Except where the soil was so poor that the manure was welcome, as in Lurë, or where grazing was very plentiful, as in Theth, outsiders were rigidly excluded from alps which were owned or rented by a community. Nangë said it had not enough feed for its own flocks. Martenesh, Gurrëzë and Breg i Matit said they did not want their pastures disturbed by strangers. All infringements of the ban, both petty and grave, were punished by fines.

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Like tribes, villages sometimes met together to try to agree about matters of common interest. Villages often quarrelled over irrigation water, and a forest or pasture boundary. They quarrelled even oftener perhaps because the tracks of stolen animals led from one to the other; cattle-lifting and sheep-stealing were common. The most satisfactory way of dealing with troubles was for the two villages to meet in full assembly. After thrashing the matter out in public they generally reached a settlement, failing which they could only go to war. In the early years of the twentieth century cattle thieving was listed as one of the thirteen most important matters brought before General Assemblies in Martanesh. In 1942 it was still so active a disturber of the public peace that the pro-Fascist subprefect of Mat legislated for it among the questions which were the real occasion of his calling together the 5000 families of Mat.[1]

Law-giving was also an important function of General Assemblies. This activity came to an end with centralization and western legal codes, and its nature can be studied in the documents quoted by Father Gjeçov and reproduced as an appendix to this book, pp. 261 sqq. These documents show the variety of matters with which the law-giving of the Assembly was concerned. For instance, Document I, coming from Malësi e Madhe and dated 1864, is wholly devoted to such subjects as betrothal, bride-price, divorce and abduction or elopement. Document XI, which comes from Kurbin in 1906, is much occupied with stealing and with tightening up the social fabric by making attendance at General Assemblies imperative and the authority of elders supreme. With the proclamation of Albanian independence of Turkey only six years ahead, it contains an interesting political note; no Kurbin man is to become a gendarme in Turkish service or to give one food and shelter; and no Moslem of Kurbin is to curry favour with the Turkish authorities by denouncing a Christian fellow-tribesman. Document XIII, which comes from Mat in 1942, is also dated by its politics enjoining support of the Italian régime in Albania.

In the midst of the variety of subjects in the documents, crimes against life and property are continually appearing as the fundamental threats to the security of the community. A study of the documents shows them as reaffirming and modifying old and recognized laws, rather than formulating new ones. Assemblies

[1] See Appendix, Document XIII, § 4, p. 273.

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More often a suspect volunteered unasked to take an oath. For 695
example, about 1931 a man in Zerqan shot his wife for some reason unknown and was then, very properly by local standards, hunted by her relatives. In desperation he offered to take an oath with twelve compurgators, the statutory number for a murdered woman, that he had not killed her. He managed to persuade all twelve to [696]
take the oath, and so, though the public still believed him guilty, he secured a formal acquittal and escaped further molestation by her relatives.

Here is another example. In the early 1930's a villager of Nangë in Lumë killed a neighbour, in order to marry the widow. The victim's cousin, as required by ancient custom, shot the woman and tried to shoot the man. He missed him again and again, but made his life such a misery that the man volunteered to take an oath with twenty-four compurgators, the statutory number for a man, that he had not killed his neighbour. Less lucky than the scamp of Zerqan, he was left to the cousin's vengeance. One compurgator failed to come to take the oath, so convicting him. It transpired later that the cousin had bribed this compurgator with two napoleons not to come, but the verdict of the oath could not be quashed and the case retried.

In property disputes the choice of the oath-taker depended 685 ●
almost universally on the wishes of the elders. When they decided 695
that a dispute about land, or irrigation water was to be settled by an oath, they generally said that one of the disputants must swear that the property was his. Most often they preferred the man in possession, but sometimes they chose the one with the weaker claim in the hope that he would shrink from the ordeal, and so bring the dispute to a speedy end. In Çermenikë, and no doubt elsewhere, when there was some disparity of age they selected the older disputant, on the assumption that his greater age would mean greater knowledge of the facts. Very occasionally, before the dispute was laid before the elders one disputant bade the other take the very serious oath on the head of his son. Sometimes, particularly in boundary disputes, the elders put neither disputant to the oath. Instead, they chose an old man who had no direct interest in the dispute, but had learned the facts from his father and was trusted.

There were various names for the two principals. In all types of case and in all areas the oath-taker was called 'the master of the

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685 695 oath', but in theft cases he was often called the 'thief', and this from the outset of the case until he was cleared. Father Gjeçov also calls the oath-taker in criminal cases 'the accused', but this seems a literary term chosen by himself rather than a popular usage in Mirditë. In theft cases, the accuser was most often described by a periphrasis—being called in Godolesh the 'plaintiff', in Mirditë 'the owner of the lost property', in Martanesh 'the owner of the stolen property', 'the injured party' or 'the man robbed', in Fulqet 'the injured party', and in Zerqan 'the owner of the property'.

695 [682] In murder cases, save for Father Gjeçov's occasional 'loader', the accuser was always called 'the man with the feud', the 'avenger' (lit. 'the owner of the blood'), and in disputes about property 'the plaintiff'.

When an oath has been sworn by a suspect or a claimant to property, the innocence of the one or the claim of the other had generally to be established by the oath of a predetermined number of compurgators.

[693] It was legally impossible for a suspect to clear himself by his unsupported oath. In the words of a proverb 'A wolf licks his own flesh and eats a stranger's'. An oath-taker might not flinch from perjury in order to establish his own innocence or his claim to a property, but as compurgator he was likely to be more scrupulous. So the law said there could be no complete oath without a jury. But as usual it made exceptions. When a suspect or claimant was ordered to swear one of the very solemn oaths in which perjury involved the extinction of his whole family, his personal stake was so great that a jury was dispensed with. The best example comes from Martanesh, where a jury was necessary in oaths sworn on the Koran or bread, but not in famiiy oaths sworn at Balim Sulltan's grave.

[694] It was both the right and the duty of the members of the jury to gather all available evidence about the case and to make up their minds about its rights and wrongs before they came finally to court to record their verdict. An interval was therefore left between the nominations of jurors and the final oath-taking, in order to give them time to investigate the case. As a last step in their collection of evidence they then gathered to hear the oath-taker take the prescribed oath. They brought in their verdict by exercising their right to decide whether or not to take the oath. To

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695 serious oath, entailing the extinction of the whole family if the
672 oath-taker perjured himself. This was symbolized clearly in the
783 Malësi e Madhe ceremony. The master's perjury, if any, and its penalties would, it was believed, run through his body and the infant's like an electric current and destroy both. The wording of the oath seems to have been suitably strong as well as comprehensive. The only available example comes from the Malësi e Madhe, and runs, 'By this holy oath of the Lord, if I did it, may He reward me. As for the male of yours who has been killed, neither I nor my kinsmen, male or female, have killed him with our hands or our guns or with a guest's or agent's hands or gun.'

695 The family oath was reserved for men who were expected to deny
[685] a serious crime of which there was strong evidence that they were guilty. In the Malësi e Madhe, and apparently in Martanesh also, this was murder. So in these areas a family oath was tantamount to one with twenty-four compurgators. In Mirditë and Kurbin it was chiefly used in theft cases. If a sheep or goat in Kurbin was stolen, the thief had to return two sheep or goats to the owner, and pay a fine besides; if, however, he denied the theft, he must swear with his whole family that he was innocent. By contrast, a man who denied stealing an ox, a horse or a mule, was only ordered to take the oath with six compurgators. The theft of these animals was less serious than stealing a sheep or goat; for they only represented wealth, whereas the sheep and goats provided food for their owner.

[694] In Mirditë the accuser had the right to ask a family oath of any man whom he strongly suspected, and could also say that he must take it with a jury. In that event he had to specify the various families in the village who were to compose the jury. For the Malësi e Madhe there is no evidence, but in Martanesh a jury was seldom required in family oaths. Group oaths were used in cases where the suspect, told to take the oath with twenty-four compurgators, failed to find so many ready to swear to his innocence and volunteered to take the oath with all the males of his family in Balim Sulltan's mausoleum. If he did so, nothing more was required of him.

In Mirditë, as Father Gjeçov informs us, a truculent accuser might also ask the oath by the head of the suspect's son; in that case the accused could not refuse to take it, unfair and dangerous to the child though it was. If there were more than one boy in the

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695 atonement. If the witness had come forward after the suspect had
[687] taken an oath and been acquitted, the elders declared the suspect's oath invalid, pronounced him guilty, and sentenced him, not only to the usual penalties for his crime, but also to punishment for perjury.

[685] Apart from what his perjury, if any, cost him, the convicted thief had to pay the value of the stolen property, the witness's fee and the elders' fee. He had to hand the witness's fee to the owner of the stolen goods, who had to pass it on to the witness, whose anonymity was thus preserved. In order to extract the witness's fee the elders commonly valued the stolen property at a good deal more than its real price; when the thief paid up, the owner retained the real price and handed the surplus to the witness. In Mirditë, says Father Gjeçov, the accuser who failed to warn the suspect at the outset that he had a witness, could not, even if the suspect was convicted, recover more than half the witness's fee. There does not seem to have been a similar law elsewhere.

If a thief continued to deny the theft and refused to pay his various fines after being declared guilty on a witness's evidence, the elders said he must take an oath that he was innocent, and then the compurgators stepped in, forbidding him to perjure himself and so confirming his conviction. This was in Mirditë and Lumë. In Martanesh, the law apparently went further. If a man convicted by a witness of having stolen from a house—the worst type of theft—denied the theft, was ordered to prove his innocence by an oath, and succeeded in doing so, and if the accuser still persisted in his accusation, the latter was asked to produce his witness before a new committee of elders. If a searching cross-examination convinced these that he was telling the truth, they ordered the thief to swear with forty-eight compurgators that he was innocent. This was double the number usual even in murder cases, and far more than he could ever hope to find.

695 The cross-examining elders sometimes concluded that the
687 witness was lying. In Dukagjin, when quite certain of this, they made him instead of the thief pay for the stolen property. In the Malësi e Madhe, attended by their followers, they went and burned down his house, killed him if they caught him, and confiscated his property, making it common land on which all were free to graze, although none could plant grapes or sow maize. If some time elapsed before they discovered he had lied and if in the meantime

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they had punished the man he denounced, they repaid any moneys taken from this man out of the false witness's property, selling a portion of it if necessary.

In some southern areas manners were softer. In Çermenikë and Zerqan a lying witness was dismissed with a contemptuous word, suffering only disgrace in the accuser's eyes. Since his identity had never transpired, the public thought neither more nor less of him than before.

Sometimes the witness convicted himself of being the thief. This happened especially when he knew too many details, describing too exactly, for instance, the colour of a stolen animal's hair, the number of its spots, or the shape and twirls of its horns. The elders then called him the thief outright and sentenced him to pay their fee as well as the value of the stolen property and the amount he had extracted from the accuser as his own fee. 'So you wanted to steal twice over from him, did you?' they would exclaim. In Martanesh they also disgraced him publicly. The elder in whose yard he was being secretly examined called out to the accuser to come and seize him like the thief he was; during his cross-examination the accuser had remained, as was everywhere customary, out of earshot. As the yard was bolted for the night, the thief could not escape. Next day he was led out in front of the assembled village, denounced by the elders, and publicly sentenced to pay the sums described above. It often happened that they saw him then for the first time.

In Mirditë, it sometimes happened that a witness, observing that he had failed to convince the elders, and certain of his evidence, came forward publicly, seized the thief (or murderer) by the arm and denounced him as the criminal. Such courage never failed to win credence for his story.

If the witness was dismissed as a liar or convicted as the thief, the accuser lost the money he had paid him as well as the value of his lost property. That explains why a suspect could not be put to the oath a second time, yet could be retried as it were on a witness's evidence. It cost the accuser nothing to make a suspect take an oath, so that if the law had allowed 'oath after oath', a litigiously minded man might have made himself an endless nuisance to suspect, elders, compurgators and general public. But there was no such risk with a witness. The accuser had to prepay him whatever fee they agreed on, and if he had been foolish enough to trust an unsatisfactory person, he lost his money

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CHAPTER X

THEFT AS A CRIME

685 Most of the material on theft comes from the history of Turkish times. The Turks, none too efficient in the towns, did not even try to control the mountaineers, and theft was, therefore, very common. During the twenty years between the Great Wars, the only period of independence that Albania had enjoyed for 500 years, theft was not one of the major crimes. This was often commented on by Major-General Sir Jocelyn Percy, who, as Organizer in Chief of the Albanian Gendarmerie, had cognizance for twelve years of every crime committed in the country. When the first British officers arrived in Albania in 1943, the machinery of modern government had already broken down. In view of that fact, and of the general effect of war conditions, it was not surprising that they should have found the mountaineers stealing frequently and on a large scale.

In the eyes of the law, thieves were divided into several categories according to the gravity of their crime. In Mirditë they were pilferers, robbers or highwaymen. The pilferer 'pinched' a small article from a house; the robber stole a beast with his own hands; and the highwayman robbed with violence. In Fulqet the categories were pilferer, timid thief and complete thief. The pilferer was a bad type because he came near enough to a house to steal clothes on its fence; the timid thief stole sheep in the forest; and the complete thief broke into houses and was ready to kill as well as to rob. In Dibër a thief with sandals was never so bad as a thief in shoes, stealing only a sheep or two, whereas the thief shod and dressed in European fashion was a serious menace. Here there was a sly reference to government officials and gendarmes, the only persons dressed in the 'French' manner whom the average Dibian knows.

Thieves were also classified according to their motives. A pilferer was usually prompted by innate wickedness and was consequently incorrigible. Others, especially the Highlanders of the north-west, stole for fun and were, therefore, worse than murderers who had some compelling motive for their crime. Many stole because

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everyone else did, and they would only have been laughed at if they had refrained. As the proverb says, 'One bunch of grapes, seeing another ripening, then ripens itself'. Then there were incidental offenders: a man who could not recover a debt might distrain on his debtor by turning highwayman and seizing his pack-pony or sheep on the public road; or men might steal out of spite. The debt recovered or the spite vented, such thieves usually became law-abiding citizens again. Though poverty is, and always has been, extreme in this mountainous land, hunger rarely made a man steal. Few broke into a house to help themselves because of the risks involved. Many, however, would catch a lamb or kid on the mountain where the risks were less and, after killing it, make a cooking-vessel of its paunch and boil the meat over a gipsy fire. Sheep stealing often took place on a grand scale between family and family, village and village or tribe and tribe. There are many popular tales of forays for fun or glory. 'Ragging' the other house, village or tribe and, more especially, the hated Serbs and Montenegrins, was a recognized sport, and the bigger the booty the greater the glory. There was a picnic atmosphere about such expeditions. A hundred men might go, half to drive the sheep and half to take pot-shots at pursuers. As soon as the first party found the flock they killed the bell-wether and cut off its head. One of them held this out, bell and all, to the other sheep and ran off at top speed. As the sheep galloped helter-skelter after the head, the rest of the party ran hither and thither shouting and cursing, laughing and beating the sheep with sticks to make them run faster. Being pressed for time, they left the leader's carcass on the ground. They usually disarmed the shepherd and carried him off to prevent his giving the alarm. On releasing him they gave him what they pleased.

On the whole there was little shame about individual and group thieving, although there were many expressions of disapproval. The men of Lumë had a saying, 'Better be a good-for-nothing than a thief', which was in direct contradiction to their reputation. The Malesors asserted that all other tribes were thieves, but that they themselves never stole. The Catholics of Kthellë used to say that it was better not to sleep too softly like the Moslems of Mat, whose oxen had often been driven away, killed and eaten before they got out of their beds. The man who stole because he had been stolen from evoked universal admiration. There were, however, two forms

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685 of theft which were no less universally regarded as shameful. A man who stole from another with whom he had broken bread as host or guest disgraced himself for ever. A woman must not steal for fun or spite. If she did, not only her husband's family, but the whole village felt ashamed and took steps to deal with her.

[672] The accomplice who helped the thief, the host who fed him and the receiver who hid the booty were all considered as no less guilty than the thief himself. 'A thief and his host are the same', and 'Like thief, like receiver' were common sayings. All had to suffer punishment in proportion to their share in the crime and booty. The owner of stolen goods had the right to remove them from the premises of a receiver and to claim compensation, and the receiver had no legal claim for redress as against the thief. On the other hand, if a man bought stolen goods in good faith he had to give them back to the rightful owner, but he was entitled to recover what he had paid for them from the thief.

All possible means of protection against theft were adopted by the mountain peoples. Every man carried a gun by day, and slept with it beside him at night. Dogs were kept in every house and
231 sheepfold. Domestic animals were branded with a mark that could not be destroyed, as when sheep had both their ears notched.
[351] Farmyards were surrounded by walls too high to scale and had *stout wooden gates heavily* bolted at night. Thieves, however, could
[417] make holes in the mud and stone walls, and frequently forced an entry that way. The walls of many village shops were lined with wood, so that a thief's chisel, striking it, would make sufficient noise to put the householder on the alert.

[625] In Turkish times many villages sent out armed patrols every night, composed not of professionals like the night watchman of the towns, but of unpaid villagers who served in turn as directed by the village headman. When there was danger of sheep-stealing on a large scale, the threatened villages sometimes bought the protection of some strong man. For example, the villagers of Reç, now in Yugoslavia, hired protection from sheep-stealers of Dibër by paying the Kaloshi family of Dibër a thousand napoleons a year. Nor were the parties deterred from contracting together by the fact that the Kaloshis were Moslems and Albanians, and the villagers of Reç were Orthodox and Macedonian Bulgars.

627 In the extreme north and south of the mountains, guns could
685 legitimately be used when a thief was caught in the act of breaking

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into a house or sheepfold, though in some districts the householder or shepherd had to warn the thief three times before shooting in order to avoid a blood feud. The local law said, 'A thief's blood is lost'. In Mirditë, however, there was a saying that 'A blood feud is not stopped by felony', and there it was forbidden to kill a housebreaker at sight. This prohibition had been introduced to prevent men killing their enemies and placing their dead bodies in the farmyard to give the impression that they had been caught in the act of theft.

A man who robbed a child or a woman, stole a loaded packhorse, or another man's gun, could be shot even when not caught in the act, though a blood feud might follow such action.

In Turkish times, the authorities had to be informed of the death of anyone in the act of theft, but they did not punish the man who had killed him. They required only that he should keep watch and ward over the body till some official arrived and send word to the relatives to make arrangements for burial. After the funeral, the relatives and the killer resumed ordinary relations. Strong men, of course, sometimes overrode the ordinary rules and decencies. Thus Deli Beg, the overlord of Preze, an old market centre, was so determined to stop all raids on his flocks that he not only killed all thieves, but shamed them when dead. He tied their bodies on horses, with the heads propped up with a muleteer's forked stick, and drove them through the village streets. He never troubled to inform the authorities of the deaths.

There were elaborate rules for the detection of the thief who succeeded in escaping with his booty. In Lumë the village authorities had the right to search one house after another for the stolen property. Everywhere the victim might try and find it for himself. He would follow the tracks of a stolen animal, generally in the direction of the home of someone known to have a grudge against him. When the tracks ended at a house or its immediate surroundings, the master was regarded as convicted of the theft. 'Track on the ground, animal found', and the owner had the right to take it away immediately if it was still alive. The thief might refuse to produce it and the owner could then ask leave to search the premises. If such permission was not given, the owner had to turn to the elders to enlist their help, as he also had to do if it were found that the animal was dead.

When the beast's tracks stopped between two houses, the

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685 694 formula then applied was 'The beast or an oath'. Each house had to make oath separately that it did not harbour the stolen property. The same routine was followed when the tracks stopped between two villages, the villages as a whole having to take oath.

The tracks of an animal might be destroyed by the thief, or the property stolen might not be an animal at all. In such cases, the owner had to rely on information supplied by third parties, and this was seldom lacking in small communities where there were few secrets. If the whereabouts of the stolen property was discovered, the suspected thief might admit the crime, and if so, the owner and he might settle about repayment themselves, or leave it to the elders to do so. If the suspect denied the theft, the owner 685 695 informed the village headman of his loss and of the identity of the suspected thief, and the latter called an Assembly to which he summoned owner and suspect. A suspect who did not appear was declared guilty and ordered to pay for the stolen goods. If the suspect came, the owner was given the choice between ordeal by oath and trial on the evidence of an eye-witness, and the proceedings then took the ordinary form.

The convicted thief had first of all to make restitution in accordance with the 'twofold' or 'two-for-one' rule, which exacted twice the value of the stolen goods in kind or money. In Mirditë, when animals were given in restitution, their selection was left to the thief, and, to quote from Father Gjeçov, 'it sufficed if they could walk on their feet'. In Martanesh a committee of two or three was appointed by the thief to make the choice, and this committee had to be accepted by the owner. In addition to restitution, a penalty might be imposed, either in the form of a fine or by ordering an extra number of compurgators if the oath was to be taken. The amount of the fine was largely fixed by tradition though the elders might vary it according to extenuating or aggravating circumstances.

There were various generally recognized kinds of aggravating circumstances. For instance, if a thief lost, spoiled, or ate what he had taken, the penalties were often heavy. In Martanesh and adjoining districts a loser could put any value he liked on a stolen [683] article that had been destroyed. In Zerqan, it was regarded as a disgrace to the owner of a stolen sheep if it was eaten by the thief on the mountain. Punishment then was not only for the theft, but for the injury to the honour of the victim.

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Another aggravated form of theft was that which took place on the public highway. There was a rule that 'the public highway must not be cut'. If a robber stole a wayfarer's horse, mule, donkey or sheep, shooting inevitably took place; if the thief survived, he had to return the animal, and to pay whatever the Village Assembly decreed. A man very often turned highwayman because he thought his victim was in his debt. If this belief turned out to be mistaken, he had to pay a fine for cutting the highway, besides returning the stolen animal and compensating the owner for the loss of its services. When a sheep had been taken, and was not returned at once, the thief might even be expelled from the village with all his family.

Robbery of a Catholic church was sacrilege and a very serious view was taken of it. The thief was shot by the tribe and could not be avenged. His family was expelled and his nearest relatives bought his land, the price going to the church. Stealing from the priest's house or from church lands was still sacrilege, but not so severely punished. In addition to returning two-for-one, the thief had to pay a fine for violating the sanctuary of the house or lands and another to the community for the threat to it. In Mirditë the same penalties were imposed if the theft occurred elsewhere but the booty was hidden in the church.

Thefts from Orthodox churches and Moslem shrines were also regarded as sacrilege, but not thefts from the houses of Orthodox priests or Moslem clerics, as they were usually at some distance from the places of worship and no sanctity attached to them.

Breaking into any house in order to steal was regarded as a very serious crime, for it brought dishonour as well as material loss to the householder. Opening the farmyard gate or the house door, without giving due warning and being invited to enter, was regarded as housebreaking and punished as such. In Krasniqë, the fine for burgling a house was four times that for burgling a sheepfold. Stealing out on the lonely mountain was regarded as still less heinous, and only one article had to be given in restitution; nor was any fine imposed.

A man might be dishonoured by other forms of theft than that of housebreaking. In the Malësi e Madhe, a fine of 500 grosh was imposed on the man who helped himself to another's tobacco box or cigarette, and a mere touch on another's pocket might bring a fine. A story is told of a man who was shot at a General

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Assembly by his neighbour from whose tobacco box he had inadvertently rolled a cigarette. In every tribe and village, a man's honour was so stained by the theft of his gun or his wife that he had to shoot the thief and take the consequences of the ensuing blood feud.

The penalties imposed depended also on the nature of the articles stolen. North Albania was predominantly pastoral and, as the safety of the flock of sheep depended on the bell-animal, penalties for stealing this animal were heavy.[1] In Lumë the owner could demand six or seven sheep for the thief: 'as well steal the whole flock as its leader.' In Perlat stealing a bell-wether was such a disgraceful act that in the blood feud against the thief's family, even a woman could be killed. The bell of the leading animal was even more precious than the animal itself, and in Perlat, if it were stolen, it had to be returned and a sheep with it. In Labinot, the bell was thought too unlucky to be hung round an animal's neck again, and instead of returning it, the thief had to pay twice its value or be shot. In Mirditë a fine of 500 grosh was imposed for the dishonour done to the owner.

The two-for-one rule was applied to thefts of all farm animals, with the exception of pigs and cocks. The man who stole a pig had to pay 500 grosh in hard cash. This sum was often ten times the value of the animal, but the pig was the mainstay of the poor man and required special protection. The same sum of 500 grosh had to be paid for a cock, as 'the cock is the poor man's watch'. It was said that in Krasniqë an actual watch had to be paid instead of the money penalty.

Firewood was usually collected by women, and when they stole it their husbands were held responsible. It was common practice to seize the axe with which the thief cut the wood and the rope with which she slung it on her back. These articles were sometimes used as visible evidence of her guilt, sometimes retained as compensation, or as a guarantee for the payment of the penalty, or of the fee due to the elder who dealt with the case. Women might steal other things than firewood, and responsibility was always placed on the husband. It is recorded that, during the reign of King Zog, men might even be imprisoned for their wives' thefts. It was they who had to take the oath if an oath was required. The woman did not, however, get off scot free. In most areas she was

[1] Vide supra, p. 173.

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beaten by her husband, and no matter how severe the punishment, her brother, who was her natural protector, would be too ashamed of her conduct to interfere. If a thieving woman did not mend her ways, her husband usually divorced her. The southern Catholics, anxious to reform erring wives and to avoid divorce, sometimes sent wrongdoers to spend a night in the lonely church of Shen Ndue in the forest above the village of Laç in Kurbin. This treatment is said to have been effective in many cases!

By the laws of hospitality, a man never robbed his guest nor a guest his host. If a third party robbed either, the other did his best to find the thief and the stolen goods. But such laws were not always respected, and penalties were prescribed for their breach. In Mirditë a guest who stole was ostracized as well as having to pay the usual penalty. In Kurbin he was expelled for ever from the tribe. If a guest in Mirditë was robbed by a fellow-guest, their host demanded double redress from the criminal—for the injury to his guest and for housebreaking. If a guest was robbed after leaving his host's house, it was still the host's duty to punish the thief, as the latter would know where the victim had been.

1 [i.e. the Albanian wife, as recorded during the reign of King Zog --Analyst]

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at the lifeless corpse. When the feud was older, it was not permitted to kill and shoot again. A murderer seldom looked at the corpse, a fact which gave men quick-witted enough to feign death a chance to escape. In some places, such as Mirditë, the murderer was expected to turn the dead man in the right direction for one of his religion—with his head towards the east if Christian, whether Catholic or Orthodox, towards Mecca if Mohammedan, and to rest his rifle against his head; if unable to touch him, he had to tell the first man he met to attend to those matters. In Shpat the murderer left the cartridge-case by his victim, allegedly not to 'set his own blood free', as in Lumë, but to avoid carrying away a thing that was unlucky because stained with blood and sin. In Mat and the Malësi e Madhe, the murderer's own life being in grave danger from the avenger, it was thought 'brave' to tread in the victim's blood as a last insult.

A murderer must not rob his victim; he had killed him only to defend his honour and not to enrich himself. As was popularly said, 'low-class fellows' take a man's rifle, watch, money or clothes; 'good-class men' take only vengeance. In some places sanctions reinforced public disapproval of the robber-murderer. In Lumë he saddled himself with one and a half feuds, i.e. the need to pay for the murder with blood money as well as a life; in Mirditë, where he was expected to lay the dead man's rifle against his head, he incurred two feuds. Certain exceptions to the rule were admitted. A murderer could everywhere, except in Mirditë, take his victim's rifle to prove that he 'had really trodden in his blood', but he must afterwards send the weapon to the family. On similar terms he might take the dead man's watch also. When the murderer was a hired assassin, he commonly took a token from his victim, usually his cap, to prove to his paymaster that he had earned his money. When a man's enemy lived at a distance, he might again take his cap to prove to his own friends and neighbours that he had killed him. Robbery of the corpse by a third person was not to be feared; since everybody within range, the dead man's relatives included, rushed up at the sound of the shot, there was publicity enough to prevent such an outrage. As for the supernatural dangers thought to beset the bodies of persons dead in ordinary circumstances, it was well known that Satan feared a rifle too much to approach the body of the murdered man.

When describing how Albanian men used to shave their heads

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daughter could not marry into a 'good' family and his son must marry a 'bad' girl. As far south as Godolesh on the outskirts of Elbasan, he paid visits at his peril; his coffee cup was only half-filled, and before being handed to him it was passed under the host's left arm, or even his left leg, to remind him of his disgrace. He was often mocked openly.

All over north Albania it was permissible for the victim's kin to burn down the murderer's house. The veteran Mirash Nue of Vuksan in Shalë boasted that once he saved his house from this fate by sending a message to the avenger which ran: 'Spare the ashes on my hearth for the sake of the open house I've kept.' The avenger, touched by the reminder of Mirash's noted hospitality, yielded to the plea. In 1935 a Dibran took to the mountains after wounding a fellow-villager with whom he was at feud; on recovering, his victim did not dare to sleep at home in case he returned under cover of darkness to repair his bad marksmanship by setting fire to the house and burning him to death. In hot blood an avenger might in some places do as much material damage as possible to the murderer, burning his hay as well as his house, scything his ripening grain and harrowing over his growing maize. For fear of reprisals in kind he could nowhere harm his children or animals.

Burning down a murderer's house is said in Martanesh to have been a recent innovation, and in Dibër and Lumë to have been formerly much more common than in recent times. Various considerations suggest that the latter view is correct. The reason given in Lumë for the waning of the custom is that it grew progressively more serious as people abandoned the straw huts in which they once lived and built themselves stone houses; the huts were cheap and easy to rebuild, but the houses were not so easily replaced. With poverty as general and murder as frequent as they used to be, it is obvious that if burning the murderer's stone house and destroying his crops had been freely permitted, the life of the tribe could not have gone on. To restrict the attacks on property, sanctions were introduced. In Dibër an avenger guilty of incendiarism was banished in perpetuity by the community. In Krujë the crime was deprecated as doubly unwise; it might cause further deaths, so involving the avenger in further feuds, and women and children might be among the victims, in which case the avenger would be covered with disgrace. In Shpat an avenger who burned his enemy's house found the whole community against him as

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a man willing to burn women and children to death and to harm property; in Shpat property was so sacrosanct that one must not touch even 'the leaf of the leek' belonging to one's enemy.

When the community decided to burn out a man whom they had sentenced to banishment for committing a heinous murder, their numbers and their power to exclude him completely from the tribal life made it impossible for him to resist. It was otherwise with the victim's kin. For want of power to exclude the murderer from more than their own section of tribal life they could not make him submit tamely, and in their attempts to use force they were often baffled by the fire-resisting principles on which most mountain houses were built. With the walls of stone, only the roof and the outer door were inflammable, and with no matches available these could only be set alight by blazing brands, probably of pitch pine, brought from another house. If the murderer was a rich man, he lived in a house surrounded by a courtyard wide enough to keep incendiaries at a safe distance from both roof and doorway; one or two towers in the walls of the courtyard sufficiently protected its gateway. If the murderer was poor, his house had no courtyard. But like the rich man's, it consisted of two or more storeys, the stable on the ground floor and the living-rooms above. The roof was, therefore, too high for the avenger to throw firebrands among the rafters. The door was surmounted by machicoulis through which the defenders could shoot or pour boiling water, and loopholes at the corners of the living-rooms commanded the approaches; in cases of bitter feud the door was sometimes covered outside with tin plates. Windows in a stable being thought unnecessary, the door was the only break in the solid walls of the ground floor. Sometimes avengers who were weak in guns hired men to fire the murderer's house. These hirelings came especially from Mirditë, for Mirdites were notoriously brave enough to face the risk entailed and poor enough to think only of the money offered; this amounted to some thirty napoleons (£40 in the 1930's) per man.

When an avenger burned down the murderer's house in hot blood, his motive was to do the murderer as much damage as possible. When he burned it down in cold blood, his motive was to drive the murderer into the open to be shot at. A murderer not infrequently shut himself up in his house during the daytime and stirred outside only at night, so remaining beyond the avenger's reach. When his house was set on fire, he knew that if he remained